

REMARKS

The Official Action mailed December 15, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 29, 2003; and September 12, 2005. A further Information Disclosure Statement was submitted on January 5, 2006 (received by OIPE January 9, 2006), and consideration of this Information Disclosure Statement is respectfully requested.

Claims 28-66 were pending in the present application prior to the above amendment. Claims 28, 31-33, 35, 39-41, 43, 52, 55-57, 59 and 63-65 have been amended to better recite the features of the present invention, and new dependent claims 67-71 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 28-71 are now pending in the present application, of which claims 28, 35, 43, 52 and 59 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to the title as not descriptive. In response, the title has been amended as noted above. The amended title is believed to be descriptive of the present invention. Reconsideration of the objection is requested.

The Official Action objects to the Abstract. In response, the Abstract has been amended as noted herein. The amended Abstract is believed to be descriptive of the present invention. Reconsideration of the objection is requested.

The Official Action rejects claims 31-33, 39-41, 48-50, 55-57 and 63-65 under 35 U.S.C. § 112, second paragraph, asserting insufficient antecedent basis for "the laser oscillator." In response, the Applicant has amended claims 31-33, 39-41, 55-57 and 63-65 to recite "the laser." However, regarding claims 48-50, it is noted that independent

claim positively recites “a laser oscillator”; therefore, it is not necessary to amend claims 48-50. The Applicant respectfully submits that claims 31-33, 39-41, 48-50, 55-57 and 63-65 are definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 28-66 as anticipated by U.S. Patent Publication No. 2004/0106237 to Yamazaki. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 28, 35, 43, 52 and 59 have been amended to recite that a scanning speed of a laser light is changed depending on a position of a surface. That is, the laser light is scanned at different speeds depending on the position to be irradiated. These features are supported in the present specification, for example, at page 10, line 23, to page 11, line 12, and Figure 5. The Applicant respectfully submits that Yamazaki does not teach the above-referenced features of the present invention, either explicitly or inherently.

Although Yamazaki teaches that a “laser beam scans a surface being irradiated at a scanning speed in the range of 0.5 to 2000 cm/sec” (paragraph [0068]), Yamazaki does not teach that a scanning speed of a laser light is changed depending on a position of a surface, either explicitly or inherently.

Since Yamazaki does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

New dependent claims 67-71 have been added to recite additional protection to which the Applicant is entitled. The features of claims 67-71 are supported by the specification, for example, at page 10, line 23, to page 11, line 12, and Figure 5. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 67-71 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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